

REMARKS

Applicants have carefully reviewed the Office Action mailed on November 10, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 10 and 16 are amended. Claims 23-31 are newly presented. No new matter is added. Claims 10-13, 15-18, and 23-30 remain pending.

Claim Rejections Under 35 U.S.C. §102

Claims 10-13 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Donadio, III et al. in U.S. Patent No. 5,741,429. Applicants respectfully traverse this rejection. None-the-less, in the interest of furthering prosecution claim 10 is amended to recite:

10. (Previously presented) A catheter system comprising:
a first guidewire having ~~either one of two different external diameters along a length thereof,~~ a first external diameter and a second guidewire having a second external diameter smaller than said first external diameter;
a catheter including a lumen defining an internal diameter substantially equal to ~~the external diameter of said guidewire of said~~ first external diameter of said first guidewire for fitting accommodation thereof;
wherein said catheter includes an expandable balloon portion;
and
an adapter selectively positionable within said lumen of said catheter, said adapter including an external diameter substantially equal to said internal diameter of said lumen of said catheter, said adapter further including a lumen defining an internal diameter substantially equal to ~~the external diameter of said guidewire of said second external~~ diameter of said second guidewire for fitting accommodation thereof.

Donadio, III et al. does not appear to teach or suggest the claimed invention. For example, Donadio, III et al. does not appear to teach or suggest the claimed first guidewire and second guidewire, nor does Donadio, III et al. appear to teach or suggest that the first external diameter (of the first guidewire) is substantially equal to the internal diameter of the catheter and that the second external diameter (of the second guidewire) is substantially equal to the

internal diameter of the adapter. Based on these distinctions, as well as others, Applicants respectfully submit that amended claim 10 is patentable over Donadio, III et al. Because claims 11-13 and 18 depend from claim 10, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Claim Rejections Under 35 U.S.C. §103

Claims 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Donadio, III et al. in view of Loeffler in U.S. Patent No. 5,891,154. Applicants note that claim 16 is amended to be consistent with claim 10. For the reasons set forth above, Applicants respectfully submit that amended claim 10 is patentable over Donadio. Loeffler fails to overcome the deficiencies of Donadio. Consequently, Applicants respectfully submit that claim 10 is patentable over the combination of Donadio and Loeffler, to the extent that such a combination is even possible. Because claims 15-17 depend from claim 10, they are also patentable for the same reasons as claim 10 and because they add significant elements to distinguish them further from the art.

Double Patenting Rejections

Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,692,482. We presume that the Examiner intended to reject one or more of claims 10-13 and 15-18 with this rejection. Applicants respond to this rejection by enclosing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Although not conceding the merits of this rejection, Applicants respectfully submit that the terminal disclaimer overcomes this rejection.


Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their attorney,

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